

Senate Bill 416

By: Senators Schaefer of the 50th, Pearson of the 51st, Williams of the 19th and Johnson of the 1st

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of superior court judges for each judicial circuit, so as to create a new third superior court judgeship for the Enotah Judicial Circuit; to provide for the initial appointment, election, and term of office of such judge; to provide for the qualifications and for the compensation, salary, and expense allowance of said judge to be paid by the State of Georgia and the counties comprising the judicial circuit; to provide for jurors; to authorize the judges of said circuit to divide and allocate the work and duties thereto and provide for the duties of the chief judge; to provide for powers, duties, and responsibilities of judges of said circuit; to provide for an additional court reporter and personnel and the compensation of such reporter and personnel; to declare inherent authority; to provide effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of superior court judges for each judicial circuit, is amended by striking paragraph (17.1) in its entirety and inserting in lieu thereof a new paragraph (17.1) to read as follows:

"(17.1) Enotah Circuit 23"

SECTION 2.

One additional judge of the superior courts is added to the Enotah Judicial Circuit, thereby increasing to three the number of judges of said circuit.

SECTION 3.

Said additional judge shall be appointed by the Governor for a term beginning January 1, 2007, and continuing through December 31, 2008, and until his or her successor is elected

1 and qualified; such judge shall take office on the date of his or her appointment by the
2 Governor. His or her successor shall be elected in the manner provided by law for the
3 election of judges of the superior courts of this state at the nonpartisan judicial election in
4 2008, for a term of four years beginning on January 1, 2009, and until his or her successor
5 is elected and qualified. Future successors shall be elected at the nonpartisan judicial
6 election each four years after such election for terms of four years and until their successors
7 are elected and qualified. They shall take office on the first day of January following the date
8 of the election.

9 **SECTION 4.**

10 The additional judge of the superior courts for the Enotah Judicial Circuit provided for in this
11 Act shall have and may exercise all powers, duties, dignities, jurisdiction, privileges, and
12 immunities of the present judges of the superior courts of this state. Any of the judges of
13 said court may preside over any cause, whether in their own or in other circuits, and perform
14 any official act as judge thereof, including sitting on appellate courts as provided by law.

15 **SECTION 5.**

16 The qualifications of such additional judge and his or her successors and his or her
17 compensation, salary, and expense allowance from the State of Georgia and from the
18 counties of the superior courts of the Enotah Judicial Circuit shall be the same as are now
19 provided by law for all other superior court judges. The provisions enacted for the
20 supplementation by the counties of said circuit of the salary of the judges of the superior
21 courts of the Enotah Judicial Circuit shall also be applicable to the additional judge provided
22 for by this Act.

23 **SECTION 6.**

24 All writs and processes in the superior courts of the Enotah Judicial Circuit shall be
25 returnable to the terms of said superior courts as they are now fixed and provided by law, or
26 as they may hereafter be fixed or determined by law, and all terms of said courts shall be held
27 in the same manner as though there were but one judge, it being the intent and purpose of this
28 Act to provide three judges equal in jurisdiction and authority to attend and perform the
29 functions, powers, and duties of the judges of said superior courts and to direct and conduct
30 all hearings and trials in said courts.

31 **SECTION 7.**

1 Upon and after qualification of the additional judge of the superior court of the Enotah
2 Judicial Circuit, the three judges of said court may adopt, promulgate, amend, and enforce
3 such rules of practice and procedure in consonance with the Constitution and laws of the
4 State of Georgia as they deem suitable and proper for the effective transaction of the business
5 of the court; and, in transacting the business of the court and in performing their duties and
6 responsibilities, they shall share, divide, and allocate the work and duties to be performed by
7 each. In the event of a disagreement among the judges in respect hereof, the majority shall
8 rule, or failing a majority, the decision of the senior judge in point of service, who shall be
9 known as the chief judge, shall be controlling. The chief judge shall remain responsible for
10 fulfilling the duties designated by statute to be performed by the chief judge.

11 **SECTION 8.**

12 The drawing and impaneling of all jurors, whether grand, petit, or special, may be by any of
13 the judges of the superior court of said circuit; and they, or any one of them, shall have full
14 power and authority to draw and impanel jurors for service in said courts so as to have jurors
15 for the trial of cases before any of said judges separately or before each of them at the same
16 time.

17 **SECTION 9.**

18 The three judges of the superior court of the Enotah Judicial Circuit shall be authorized and
19 empowered to employ an additional court reporter for such duties and for such compensation
20 as such judges see fit, up to and including, but not exceeding, the remuneration of the present
21 court reporters of the Enotah Judicial Circuit as the same is now fixed or may hereafter be
22 fixed.

23 **SECTION 10.**

24 Upon request of any judge of the circuit, the governing authorities of the counties comprising
25 the Enotah Judicial Circuit are authorized to furnish the judges of said circuit with suitable
26 courtrooms and facilities, office space, telephones, furniture, office equipment, supplies, and
27 such personnel as may be considered necessary by the court to the proper function of the
28 court. All of the expenditures authorized in this Act are declared to be an expense of the
29 court and payable out of the county treasury as such.

30 **SECTION 11.**

1 Nothing in this Act shall be deemed to limit or restrict the inherent powers, duties, and
2 responsibilities of superior court judges provided by the Constitution and statutes of the State
3 of Georgia.

4 **SECTION 12.**

5 (a) For purposes of making the initial appointment of the judge to fill the superior court
6 judgeship created by this Act, this Act shall become effective upon its approval by the
7 Governor or its becoming law without such approval.

8 (b) For all other purposes, this Act shall become effective January 1, 2007.

9 **SECTION 13.**

10 All laws and parts of laws in conflict with this Act are repealed.